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10 JON PAUL JAVELLANA and  
KENNETH RO

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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**  
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JON PAUL JAVELLANA, an  
individual; and KENNETH RO, an  
individual,

20 Plaintiffs,

21 v.

22 DEUTSCHE BANK SECURITIES INC.,  
23 a Delaware corporation; BARCLAYS  
24 CAPITAL INC., a Connecticut  
corporation; and DOES 1-50, inclusive,

25 Defendants.  
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**CASE NO. LACV 11-7437  
PSG(SSX)**

**STIPULATION TO STAY CASE  
PENDING ARBITRATION**

[Proposed] Order Staying Case Pending  
Arbitration lodged herewith

WHEREAS on June 13, 2011, Defendant Deutsche Bank Securities, Inc. (“DBSI”) commenced an arbitration proceeding against Plaintiffs under the arbitration rules of the Financial Industry Regulatory Authority (“FINRA”), captioned *In the Matter of the Arbitration Between Deutsche Bank Securities Inc. (CRD #2525) vs. Jon Paul Javellana (CRD #2538653) and Kenneth Ro (CRD #3131021)*, FINRA Case No. 11-02442-CA;

WHEREAS on August 9, 2011, Plaintiffs commenced the instant action against DBSI and Defendant Barclays Capital (“Barclays”) by filing a complaint in California state court, which complaint was amended on August 23, 2011 (the “First Amended Complaint”);

WHEREAS on September 9, 2011, Defendants jointly removed Plaintiffs' action to this Court;

WHEREAS Plaintiffs' First Amended Complaint pleads 11 causes of action: (1) breach of contract against DBSI; (2) unpaid wages against DBSI; (3) failure to provide accurate wage statements against DBSI; (4) failure to pay wages at termination against DBSI; (5) violation of Bus. & Prof. Code § 16600 against DBSI and Barclays; (6) intentional interference with contract against DBSI; (7) intentional interference with prospective economic advantage against DBSI; (8) intentional interference with contract against Barclays; (9) defamation against DBSI; (10) unfair competition against DBSI; and (11) unfair competition against Barclays;

WHEREAS Defendants contend that Plaintiffs entered into valid and enforceable agreements to arbitrate against DBSI and Barclays under FINRA's arbitration rule;

WHEREAS the parties have agreed that Plaintiffs' claims in the First Amended Complaint shall be arbitrated before FINRA;

IT IS HEREBY AGREED AND STIPULATED that:

1. Plaintiffs' claims shall be arbitrated before FINRA; and

2. This action shall be stayed pending the completion of arbitration of Plaintiffs' claims before FINRA; and
  3. All pending deadlines shall be held in abeyance until addressed by a further order of this Court.

October 7, 2011

## MARGOLIS & TISMAN LLP

By: /s/ Naki Irvin  
Attorneys for Plaintiffs  
Jon Paul Jayellana and Kenneth Ro

October 7, 2011

LAW OFFICES OF K.C. MAXWELL

By: /s/ K.C. Maxwell  
Attorneys for Defendant  
Deutsche Bank Securities, Inc.

October 7, 2011

PAUL HASTINGS LLP

By: /s/ Raymond Bertrand  
Attorneys for Defendant  
Barclays Capital Inc.

LEGAL\_US\_W # 69320504.4

**PROOF OF SERVICE**

I am employed in the City and County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is Paul Hastings LLP, 4747 Executive Drive, 12th Floor, San Diego, CA 92121.

On October 7, 2011, I served the foregoing document(s) described as:

**SEE ATTACHED LIST**

on the party(ies) in this action by placing a true copy thereof in a sealed envelope(s), addressed as follows:

**SEE ATTACHED SERVICE LIST**

(BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel denoted on the attached Service List, and I hereby certify that I have mailed the foregoing document(s) via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.

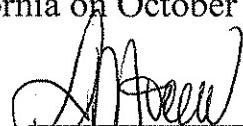
(BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Paul Hastings LLP, San Diego, California, following ordinary business practices. I am familiar with the practice of Paul Hastings LLP for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

(BY PERSONAL DELIVERY) I then sealed the envelope and caused it to be hand delivered to the offices of the addressee(s) below.

(BY OVERNITE EXPRESS) I am readily familiar with the practice of Paul Hastings LLP for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by United Parcel Service for overnight delivery.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

1 Executed at San Diego, California on October 7, 2011.  
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Tamara L. Morrow

## **SERVICE LIST**

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\* Denotes service via CM/ECF System

**\*\* Denotes service via U.S. Mail**

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1. STIPULATION TO STAY CASE PENDING ARBITRATION; and
2. [PROPOSED] ORDER REGARDING STIPULATION TO STAY CASE  
PENDING ARBITRATION.